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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

MAUNG, NAY AUNG

ART UNIT

PAPER NUMBER

2681

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13

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/268,080

Applicant(s)

LONKA ET AL.

Examiner

Nay A. Maung

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 08 January 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 and 15-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 13 and 15-19 is/are rejected.
- 7) ☒ Claim(s) 8-12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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1. In view of the appeal brief filed on 1/8/02, PROSECUTION IS HEREBY REOPENED.

A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3-5, 13, 15, 16, 17, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murray et al. (Murray; 6,011,699) in view Reber et al. (Reber; 6,002,946).

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Consider claim 18. Murray teaches a telephone comprising (cols. 4 and 5): a first part (fig. 2, item 102), a second part (fig. 2, item 108) attached to the first part movable between a first position and a second position (i.e., open and close position fig. 2, item 211).

In the second part, a keyboard for providing control input information to a radio transceiver (fig. 2, item 214, fig. 7, items 722, 702), an arrangement for attaching battery to the second part parallel to the keyboard (fig. 7, items 722, 706; col. 5, line 45 to col. 6, line 44), and a grip design (fig. 12, item 108) for allowing a user to hold the telephone by the second part (fig. 12).

Murray differ from the present invention in that Murray teaches the transceiver (fig. 7, item 702) is located within the second part of the housing instead of the first part. However, placing the transceiver within the first part or the second part of the housing would have been obvious to one of ordinary skill in the art as a matter of design preference, as evidenced by Reber. Reber teaches a transceiver can be located within a first part or a second part of the telephone housing (col. 7, lines 60-65), given the equivalent in function.

Consider claim 3. Murray further teaches the second part a module (fig. 7, item 718) which having circuit board of the number keyboard; a charging connector to form a connection to an external charging device arranged to charge a battery attached to the second part, and a connector to form an electric connection between the first and the second part (figs. 3 and 7; cols. 4 and 5).

Consider claim 4. Murray further teaches the connector for forming the electric connection between the first and second part is simultaneously a connector for creating an

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electric connection between the second part and a battery attached thereto (fig. 3 and 7; cols. 4 and 5).

Consider claim 5. Murray further teaches the module a vibrating alarm device attached to the circuit board of the number keyboard (fig. 7, item 728; col. 6, lines 44-51).

Consider claim 13. Murray further teaches the second part is rotatably movable with respect to the first part in between the first and the second position, for which function the telephone is provided with a hinge in between the first and the second part (fig. 2, item 211).

Consider claim 15. Murray teaches the antenna is a plane antenna located inside the protecting shell within the second part (fig. 7, item 112 and 116). However, the relocating the antenna within first part and the second part is addressed in claim 18 above.

Consider claim 16. Murray further teaches means for receiving an incoming call by adjusting the first part from the first position to the second position (i.e., open position, fig. 2).

Consider claim 17. Murray does not explicitly show the mobile phone is for a digital cellular network. However, the claimed limitation is very well-known in the art and would have been obvious to one of ordinary skill in the art, at the time the invention was made to include digital part such that a user can connect to a digital cellular network in order to have an addition service feature, i.e., a data connection.

Consider claim 19. Murray further teaches the grip by the user is at the area of the lower part of the telephone (depicted in fig. 7, item 108, and a user hand).

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4. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable Murray et al. (Murray; 6,011,699) in view Reber et al. (Reber; 6,002,946) as applied to claim 18 above, and further in view of the Applicant's admitted prior art (fig. 4).

Consider claim 2. The combination of Murray and Reber teaches all of the claimed limitations as disclosed in claim 18. In addition, Murray further teaches in the second part a number keyboard (fig. 2, item 214), and the first part having a display (fig. 2, item 204). The combination of Murray and Reber do not explicitly show that the first part having a quick-action keyboard. However, the claimed limitation is very well-known in the art as evidenced by the Applicant's admitted prior art (fig. 4). Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to include a quick-action keyboard in order to receive a call by pressing on the quick-action keyboard.

5. Claim 6, 7 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rudisill et al. (Rudisill; 6,208,874) in view of Murray et al. (Murray; patent no. 6,011,699).

Consider claim 18. Rudisill teaches a telephone comprising: a first part (fig. 1, item 52), a second part (fig. 1, item 48) attached to the first part movable between a first position and a second position (i.e., slide open and close, fig. 1); an antenna coupled to the first part (fig. 4, items 90, 92, and 94).

In the second part, a keyboard for providing control input information to the radio transceiver (fig. 1, item 30), and additionally having in the second part a grip design for allowing a user to hold the telephone by the second part (fig. 1, item 48).

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An arrangement for attaching a battery to the phone is inherently in Rudisill. However, Rudisill does not explicitly show the arrangement of attaching the battery to the second part parallel to the keyboard.

Nevertheless, the claimed limitation is a matter of design preference, and it is very well-known in the art as evidenced by Murray.

Murray teaches an arrangement for attaching a battery to a second part parallel to the keyboard (fig. 7, items 720, 706; col. 5). Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to include a battery in order to power the telephone.

Consider claim 6. Rudisill further teaches the second part is slidably movable in relation to the first part in between the first and the second position, for which function the second part comprises slide rails and the first part has matching counter-rails (fig. 1, items 72, 64, and 24).

Consider claim 7. Rudisill further teaches the first and the second part are in the first position located essentially on top of each other (fig. 3).

Allowable Subject Matter

6. Claims 8-12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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Response to Arguments


7. Applicant's arguments with respect to claims 1-7, 13, and 15-19 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nay A. Maung whose telephone number is 703-308-7745. The examiner can normally be reached on 7:30 a.m. - 4:00 p.m., Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dwayne D. Bost can be reached on 703-305-4778. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the TC 2600's customer service number is 703-306-0377.


NAY MAUNG
PRIMARY EXAMINER
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March 24, 2002